

February 2, 2024

via CM/ECF

Jones
Law Firm P.C.

The Honorable Jennifer L. Rochon
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Courtroom 20B
New York, NY 10007

**Re: Letter Motion to Extend Time to File Objections and Stay
Magistrate's Discovery Order in SDNY Case No. 21-cv-
01803, *Coker v. Goldberg & Associates P.C. et al***

Dear Judge Rochon:

Due to attorney illness, I respectfully request an additional 7 days, from February 7th, 2024 to February 14th, 2024, to file objections to the Magistrate's Order Regarding Discovery Sanctions (Dkt 100). I also request that the deadline for compliance with that order be extended 7 days, from February 7th, 2024 to February 14th, 2024, in order to give counsel a chance to make a full and persuasive argument for why the Order should be stayed pending full consideration of the Objections. I have sought and obtained consent from Plaintiff's counsel, Penn Dodson, for the relief requested above.

The irreparable harm from compliance with this Order is simply explained: the Order requires that the Defendant Goldberg, an attorney, turn over her own clients' privileged information to the Plaintiff's attorney by February 7th, 2023. According to Magistrate Moses, Defendant ostensibly waived her clients' privilege by failing to provide a privilege log to Plaintiff. However, it is a cardinal rule of privilege analysis that privilege belongs to and can only be waived by the client in an attorney-client relationship. These non-party clients have had no notice or opportunity to be heard in this matter. Nothing Defendant Goldberg allegedly did or failed to do could possibly operate as a waiver of their rights.

A more appropriate sanction, if any is in fact needed, would be to simply order Defendant to provide a privilege log. I have consulted Plaintiff's counsel and she does not recall for sure whether she ever requested one in any kind of meet and confer. I certainly do not recall it. However, Plaintiff's counsel has declined my offer to provide such a log by February 14th and insists on receiving the privileged information of non-parties to this action per the Magistrate's Order, necessitating the present application.

In sum, the Magistrate's Order penalizes non-parties, Defendant Goldberg's clients, as a sanction for defendants not providing a privilege log that plaintiff's counsel will not swear to ever having been requested in a meet and confer.

The requested extension of time to file an objection to the Magistrate Judge's Order Regarding Discovery Sanctions until **February 14, 2024**, is GRANTED. The requested extension of the deadline for compliance with the Magistrate Judge's Order Regarding Discovery Sanctions until **February 14, 2024**, is GRANTED.

Dated: February 2, 2024
New York, New York

SO ORDERED.


JENNIEER L. ROCHON
United States District Judge

Respectfully,

/s/ Bryce Jones
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